

**REMARKS**

Claims 1-6 are pending in the subject application. Claims 1-6 stand rejected under 35 U.S.C. 102(b).

The Applicant appreciates the Examiner's thorough examination of the subject application and respectfully request reconsideration of the subject application based on the following remarks.

**35 U.S.C. § 102(b) REJECTIONS**

The Examiner has rejected claims 1-6 under 35 USC 102(b) as being anticipated by U.S. Patent Number 5,896,204 to Sato, et al. ("Sato" or the "Sato Reference"). The Applicant respectfully traverses these rejections for reasons detailed below.

The Sato reference discloses a facsimile apparatus that is capable of storing image data, which has not yet been transmitted, in memory when the transmission ends due to a transmission error and reconnecting with a destination number to transmit the data that had not been transmitted, i.e., that had been stored in memory.

The present invention, on the other hand, discloses an image data transmitting apparatus (claims 1-3) and an image data receiving apparatus (claims 4-6). With respect to the former, claim 1 of the present invention recites adding "discrimination data" to the image data to differentiate between those data transmitted, i.e., before transmission error, and those data not transmitted, i.e., at the time of and/or after transmission error. The Sato reference does not teach, mention or suggest adding discrimination data to stored image data. Specifically, the cited passage is silent about adding discrimination data to the stored image data. Accordingly, the Applicant

respectfully maintains that the Sato reference does not anticipate or make obvious claim 1 of the invention as claimed.

Similarly, claim 2 recites a "notification means" that notifies the user of the number of document sheets to be reset in the document reading means (RADF). No such feature is taught, mentioned or suggested in the Sato reference. The Examiner maintains that, console unit 112 is a "notification means" further asserting that, the "communication error detection means" notifies the user of a number of document sheets to be reset in the RADF. However, according to Sato, once an error is detected, communication between the sending and receiving facsimile machines is terminated and the page number of the error page is stored. See, e.g., Sato, col. 3, lines 30-35. After a predetermined period of time, the sending facsimile device automatically re-dials the destination number and re-establishes communication with the receiving facsimile device. The sending facsimile device then processes through all of the reset original documents until it comes to the error page, which corresponds to the stored page number. Finally, the error page and all subsequent pages are sent from the image memory. See, e.g., Id, col. 3, lines 36-62. Nothing in Sato describes a notifying means that notifies a user at the sending device of the number of document sheets, i.e., less than all, to be reset in the RADF. According to Sato, all of the original documents are reset in the RADF. Accordingly, the Applicant respectfully maintains that the Sato reference does not anticipate or make obvious claim 2 of the invention as claimed.

Similarly, claim 3, recites that a "predetermined part of each of the reset documents" is compared to corresponding parts of image data stored in the image data storing means. If the image data of the "predetermined parts" match, then reading of the complete reset document does not occur. Reading of the entire reset document is carried out only if there is no match between data. No such feature is taught, mentioned or suggested in the Sato reference.

The cited passage, however, refers only to comparing the current time with the transmission time of the image data stored in memory, which is used when other

communication to the same destination number exists. See, e.g., col. 6, lines 53-58. A portion of the image data itself is not compared to a corresponding portion of stored image data to match the two to prevent reading of an entire document rather than just of the "predetermined part." Accordingly, the Applicant respectfully maintains that the Sato reference does not anticipate or make obvious claim 3 of the invention as claimed.

With respect to the latter, image data receiving apparatus and claim 4, the present invention includes "discrimination-detecting means for detecting discrimination-data." The passage cited by the Examiner merely provides that, communication between the two devices is terminated upon occurrence of a transmission error. In short, upon such occurrence, Sato merely stores the page numbers of the error pages in memory management data in the RAM. It is completely silent about a "discrimination-detecting means." Accordingly, the Applicant respectfully maintains that the Sato reference does not anticipate or make obvious claim 4 of the invention as claimed. With respect to claims 5 and 6, because the claims also recite an absent "discrimination-detecting means", the Applicant respectfully maintains that the Sato reference also does not anticipate or make obvious claims 5 and/or 6 of the invention as claimed.

Thus, it is respectfully submitted that, claims 1-6 are not anticipated or made obvious by Sato and, further, satisfy the requirements of 35 U.S.C. 100 et seq., especially § 102(b). As such, the Applicant believes that claims 1-6 are allowable. Moreover, it is respectfully submitted that the subject application is in condition for allowance. Early and favorable action is requested.

M. Hayashi  
USSN: 09/491,643  
Page 14

The Applicant believes that no additional fee is required for consideration of the within Response. However, if for any reason the fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,

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